

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:09cv358

KATHERINE P. LAMONICA,)
Plaintiff,)
vs.) **ORDER**
C.B. FLEET COMPANY, INC. and)
C.B. FLEET HOLDING COMPANY,)
INC,)
Defendants.)

THIS MATTER is before the Court *sua sponte*.

On September 10, 2009, the Plaintiff Katherine P. Lamonica filed this products liability action against the Defendants C.B. Fleet Company, Inc. and C.B. Fleet Holding Company, Inc. [Doc. 1]. To date, the Plaintiff has not served the Defendants.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the

plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for its failure to effect service of the Summons and Complaint on the Defendants within ten (10) days from service of this Order, the Plaintiff's action against these Defendants shall be dismissed without prejudice without further order.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within ten (10) days of service of this Order for the failure to effect service on the Defendants C.B. Fleet Company, Inc. and C.B. Fleet Holding Company, Inc.; and

IT IS FURTHER ORDERED that failure of the Plaintiff to respond in writing within ten (10) days shall result in a dismissal without prejudice of this action without further order of the Court.

IT IS SO ORDERED.

Signed: January 14, 2010



Martin Reidinger
United States District Judge

